

## **Title 2**

### **ADMINISTRATION AND PERSONNEL**

#### **Chapters:**

- 2.05        Smoking in County Buildings**
- 2.10        Planning Department [repealed]**
- 2.11        Planning Section and Commission**
- 2.15        Juvenile Court**
- 2.25        Hearing Examiner**
- 2.30        East Lewis County Public Development Authority**
- 2.35        Jail Standards**

[Codifier's Note: Resol. No. 99-515, transferred the community development division of the Public Services Dept. into the Dept. of Community Development, and the public works division of the Public Services Dept into the Dept. of Public Works; environmental services was transferred to the Department of Health and Social Services. Where noted, the text of this Title has been corrected to reflect departmental reorganizations.]

## **Chapter 2.05**

### **SMOKING IN COUNTY BUILDINGS**

#### Sections:

- 2.05.010 Legislative findings.
- 2.05.020 Purpose.
- 2.05.030 Definitions.
- 2.05.040 Uniform smoking policy.
- 2.05.050 Applicability.
- 2.05.060 Revisions.
- 2.05.070 Exemptions.
- 2.05.080 Compliance.
- 2.05.090 Implementation.
- 2.05.100 Smoking allowed areas.
- 2.05.110 Conditional use designation.

#### **2.05.010 Legislative findings.**

The Lewis County board of commissioners makes the following findings:

(1) Extensive medical and scientific research confirms that tobacco smoke is harmful to smokers and nonsmokers alike, causing eye, nose, throat and head irritations, aggravating lung and heart diseases, including emphysema, and is linked to various types of cancers; and

(2) Extensive medical and scientific research concludes that carbon monoxide levels in rooms where smoking occurs often exceeds maximum permissible safety levels, and that other hazardous compounds are contributed to the environment by tobacco smoke, including but not limited to tar, nicotine, cadmium, nitrogen dioxide, ammonia, benzene, formaldehyde, hydrogen sulfide, hydrogen cyanide and arsenic, adversely affecting smokers and nonsmokers alike in their general health and specific job performances; and

(3) Extensive research shows that smoking in the work place causes loss in employee productivity, increases in employee accident rates and absenteeism,

increases in employer medical costs, greater threats of fire damage, and other detriments to both public and private property; and

(4) Recent court decisions and legal actions show an increasing trend to hold employers liable for personal injuries, disabilities or other job-related ailments suffered by employees as a result of tobacco smoke in the work places; and

(5) The Washington State Legislature has recognized the increasing evidence posed by tobacco smoke in the work place and has therefore enacted the Washington Clean Indoor Air Act, codified in Chapter 70.160 RCW; and

(6) It is necessary to limit smoking locations in order to protect county employees and the public from the health and property hazards created by tobacco smoke. [Ord. 1157, 1998; Ord. 1113 § 1, 1991]

#### **2.05.020 Purpose.**

(1) Lewis County is dedicated to providing a healthy and productive work environment for all county employees and the public visiting or conducting business in county facilities.

(2) This chapter is in response to the growing medical and scientific evidence of the detrimental effects of smoking on personal health and work performance, in response to the strong desire of many county employees to work in a smoke-free environment, and in response to public law relating to smoking in public facilities.

(3) It is not the intention of this chapter to infringe upon the personal right and decision of any person to smoke. Rather, this chapter is intended to provide a smoke-free environment for nonsmokers who wish not to be affected by those individuals who do smoke. [Ord. 1157, 1998; Ord. 1113 § 2, 1991]

#### **2.05.030 Definitions.**

(1) "County" means Lewis County.

(2) "Smoking" or "to smoke" means and includes inhaling, exhaling or carrying any burning tobacco or other plant matter, including but not limited to cigarettes, cigars, or pipes.

(3) "Work area" is an area in a county facility owned, leased or rented by the county intended primarily for use by officials and employees of the county while conducting county business.

(4) "Enclosed work area" means a work area enclosed by a ceiling and walls with an entry that may be closed and with a ventilation system separate from other work areas.

(5) "Common area" means that area enclosed by a ceiling and walls in a county facility including, but not limited to, employee lounges, lunchrooms, conference rooms, stairways, elevators, hallways, and restrooms.

(6) "Smoking debris" includes, but is not limited to cigarette or cigar butts, cigarette paper or products packaging tobacco, smoke, ash or any other residue resulting from smoking.

(7) "County facility" means any enclosed building, structure, or vehicle owned, leased, rented or operated by Lewis County.

(8) "Motor vehicle" means a car, truck, pickup or other equipment/vehicle which contains an enclosed operating area.

(9) "County personnel" means any elected, appointed official or department head of Lewis County, and all employees, volunteers, and reserves of Lewis County.

(10) "Assigned motor vehicle" means any motor vehicle set apart for a particular purpose and specifically designated for use by a particular county official or employee on an on-going basis. [Ord. 1157, 1998; Ord. 1113 § 3, 1991]

#### **2.05.040 Uniform smoking policy.**

(1) No person shall smoke in a common area or work area in a county facility, except where such area or facility has been designated and posted by the county as a smoking permitted area.

(2) Smoking is permitted in outdoor areas unless the smoke would be drawn into the work or common areas. All employees who elect to smoke in smoking permitted areas and outdoor areas shall be responsible for the appropriate maintenance and/or disposal of all smoking debris.

(3) Smoking is permitted in assigned vehicles. However, if passengers are in said vehicle, then subsection (1) shall apply, unless all the passengers are smokers.

(4) The board of county commissioners shall designate smoking permitted areas. They shall consider information and preferences provided by officials and employees. Addendum "A" codified as LCC 2.05.100 and 2.05.110 shall designate "Smoking Allowed Areas" and "Smoking Allowed/Conditional Use Designation Areas". [Ord. 1157, 1998; Ord. 1113 § 4, 1991]

#### **2.05.050 Applicability.**

The chapter shall apply to all county officials and employees in county facilities and shall apply to all persons who visit county facilities, including contractors and the general public during all hours and days of the year. [Ord. 1157, 1998; Ord. 1113 §5, 1991]

#### **2.05.060 Revisions.**

(1) Any official or employee of the county who works in an enclosed work area and who believes that a designation of smoking or nonsmoking area creates a unique situation with an adverse impact on the employee while in his/her usual place of work, may submit a revision request to his/her department head or elected official, who shall submit the request, along with the

department head's or elected official's recommendation, to the board of county commissioners. The revision request will be given a hearing before the board of county commissioners in a manner it deems appropriate.

(a) Prior to the hearing, all affected co-workers shall be given notice of the hearing.

(b) The board shall determine the feasibility of allowing the revision by balancing the purpose of this chapter and the health needs of persons affected by the revision with the needs of the elected official or employee making the request.

(2) The board's decision shall be final. [Ord. 1157, 1998; Ord. 1113 § 6, 1991]

#### **2.05.070 Exemptions.**

(1) Any county-owned building or facility leased, rented or otherwise made available by the county solely for activities or purposes not directly managed or controlled by the county may be exempt from this chapter. Any smoking policy will be negotiated within the lease agreement. However, there will be no smoking in Lewis County senior centers regardless of use. Compliance with state and local laws regarding smoking, where applicable, is still required.

(2) Private living quarters provided by Lewis County to county personnel in the course of their employment are exempt from this chapter, unless used for public business. [Ord. 1157, 1998; Ord. 1113 § 7, 1991]

#### **2.05.080 Compliance.**

(1) "No Smoking" signs shall be placed at each entrance of all county facilities except the Pacific Avenue entrance and on dashboards of all county motor vehicles, except assigned motor vehicles.

(2) The primary objective of discipline with regard to this chapter in the work environment is to correct behavior in violation of said policy, not to punish or

penalize employees who smoke. Employees who suffer from tobacco dependency may voluntarily undergo a rehabilitation program in the same manner, and under the same conditions, as the county provides for drug rehabilitation. The county shall provide information and resources on rehabilitation programs. However, county employees who violate this chapter may be subject to disciplinary action including, upon repeated violation, the sanction of a discharge.

(3) Whenever the county safety officer determines that a violation of this chapter has occurred, the safety officer may issue a notice of infraction under LCC 1.20.040 for a civil penalty of \$25.00 for the first violation, \$50.00 for the second violation and \$100.00 for a third and all subsequent violations. [Ord. 1180 §24, 2002; Ord. 1157, 1998; Ord. 1113 § 8, 1991]

#### **2.05.090 Implementation.**

(1) Notification. All county offices and departments shall post notification of the chapter on employee bulletin boards or other appropriate locations.

(2) Any penalty assessed and recovered under this chapter shall be paid to the treasurer and shall be transferred to the county current expense fund. [Ord. 1157, 1998; Ord. 1113 § 10, 1991]

#### **2.05.100 Smoking allowed areas.**

The following areas have been designated by the board of county commissioners as "Smoking Allowed Areas" within the courthouse complexes:

(1) Kitchen on the fourth floor of the main courthouse (break room); employees only.

(2) Open-air vehicle sallyport, jail area; employees only.

(3) Department of Public Works, public works division shops; areas identified in memo from public services director to board of county commissioners, dated September 30, 1994, attached to the ordinance codified

in this section and posted at each shop. [Ord. 1157, 1998; Ord. 1113-B, 1994; Ord. 1113-A, 1994; Ord. 1113 Addendum A, 1991]

## **Chapter 2.10**

### **PLANNING DEPARTMENT**

[Repealed by Ordinance 1186, Jan. 2005]

#### **2.05.110 Conditional use designation.**

(1) The following areas will be “Smoking Allowed” with conditional use designation; which means that if there is a personnel change or a substantiated indication of a smoke inhalation problem to those within the sphere of the “Smoking Allowed” area, the affected area will be considered for “Smoke Free” designation. This will be the decision of the board of county commissioners and the board's decision will be final.

(a) Packwood Senior Center “Smoking Room”.

(2) All areas not specifically designated “Smoking Allowed” or addressed in the smoking chapter, as amended, will be “Smoke Free”. [Ord. 1157, 1998; Ord. 1113-B, 1994; Ord. 1113-A, 1994; Ord. 1113 Addendum A, 1991]

## **Chapter 2.11**

### **PLANNING SECTION AND COMMISSION**

#### Sections:

- 2.10.010 Purpose.
- 2.10.020 Planning section
- 2.10.030 Planning commission.
- 2.10.040 Financing and planning.

#### **2.11.010 Purpose.**

(1) Title. The title of this chapter shall be the Lewis County planning section and commission chapter.

(2) Purpose. The purpose of this chapter pursuant to RCW 36.70.040 shall be to repeal Chapter 2.10 LCC, and to establish a planning section, and reconstitute and create a planning commission, as follows:

(a) To abolish the existing planning commission consisting of nine (9) members, and to establish a new, reconstituted planning commission consisting seven (7) members;

(b) To provide for eligibility and standards of conduct for appointment to staggered terms of planning commission members, and for their succession;

(c) To provide for appointment of a Department of Community Development director and organization of a planning section of that department; and

(d) To define the duties and responsibilities of the planning section, hearings examiner and planning commission.

(e) To effect the promulgation and adoption Rules of Procedure, pursuant to Board of Commissioner guidelines, under which the planning commission shall conduct its business. [Ord. 1186 §1, 2005]

#### **2.11.020 Planning section.**

(1) Established. Pursuant to RCW 36.70.040, a Lewis County planning section is hereby created, as a division of the

Department of Community Development, which shall function and be organized as any other department of Lewis County.

(2) Powers and Duties. The powers and duties of the Lewis County planning section shall be such as are prescribed by Chapter 36.70 RCW, as amended, and other applicable laws of the state. When directed to do so by the Board of Commissioners, the Lewis County planning section shall also perform such other duties as are not inconsistent the laws of the state.

(3) Administrative Responsibilities. A Director of the Department of Community Development shall be appointed by the Board of Commissioners, and he shall be responsible for the proper operation of the Lewis County planning section. He shall be directly responsible to the Board of Commissioners, and shall have responsibility for appointing employees with such responsibilities within the department as shall be established by the Board. He shall be responsible for providing secretarial and technical assistance to the Lewis County planning commission, hereinafter created and established. [Ord. 1186 §1, 2005]

#### **2.11.030 Planning commission.**

(1) Created and Composition. Pursuant to RCW 36.70.040, there is hereby reconstituted and created a Lewis County planning commission, consisting of seven (7) members, which shall assist the planning section in carrying out its duties, including assistance in the preparation and execution of the comprehensive plan and the adoption of development regulations for Lewis County, Washington, and shall hold public hearings and shall make findings and conclusions which shall be transmitted to the planning section for transmittal to the Board, together with such comments and recommendations as the section deems necessary.

(2) Appointment. Members of the planning commission shall be appointed by

the chairman of the Board of Commissioners, with the approval of the Board of Commissioners; provided, each member of the Board of Commissioners shall submit to the chairman a list of not less than three nominees residing in his county commissioner's district, and the chairman shall make his appointments from such lists so that, as nearly as mathematically possible, each commissioner district is equally represented, as follows: two planning commission members from each county commissioner district. The initial appointments to the planning commission shall be made effective the 1st day of February, 2005. Thereafter, each four-year term shall commence on the 1st day of January of the year when the term created herein shall expire and the four-year anniversary thereof.

(3) Eligibility of Appointed Members.

The Board of County Commissioners shall nominate and select planning commission members to independently and responsibly serve their fellow citizens. The BOCC shall appoint planning commission members:

(a) Without respect to political affiliations;

(b) Who represent varying geographic, demographic, and socio-economic perspectives;

(c) Who, collectively, represent a broad range of local opinion, experience, and expertise, and are entrusted to make recommendations reflecting the broad interests of the community.

(d) Who are free of incompatibility, conflict of interests, and association with other municipal organizations, agencies, and entities within Lewis County.

(4) Terms. The terms of office for appointed planning commission members shall be staggered as follows: one commission member shall be appointed for one year; two commission members shall be appointed for two years; two commission

members shall be appointed for three years; and two commission member shall be appointed for four years, and upon the expiration of the term of such original members, the term of office of each shall be four years; provided, that the staggering of terms shall be so arranged that the expiration of terms shall not coincide for all commission members from any county commissioner's district; provided, however, that members of the abolished planning commission shall not serve out the terms of office to which they were appointed, but may be eligible for appointment under the reconstituted commission. No appointed commission member shall serve more than two consecutive terms.

(4) Vacancies. Each vacancy resulting from the expiration of a term of office shall be filled by appointment by the chairman of the Board of Commissioners from a list of not less than one nominee residing in the respective district by the respective district county commissioner of the vacating member, for a period of four years. Vacancies occurring for any reason other than expiration of a term of office shall be by appointment as set forth hereinabove from the same county commissioner's district as the vacating member, for the period of the unexpired term of the office being filled.

(5) Organization. With its first meeting after the passage of these provisions on February 15, 2005, and as codified in this chapter, and the appointment of its membership, the planning commission shall meet organize itself by electing a chairman and vice-chairman to serve until the expiration of the calendar year 2005. Thereafter, the planning commission shall at its first regular meeting in January of each year organize itself by electing a chairman and vice-chairman to serve until the expiration of the calendar year, and shall hold not less than one regular meeting per month; provided, that if no matter requiring

planning commission consideration is pending in any given month, the meeting may be canceled in advance by the chairman or secretary of the commission. The planning commission may appoint standing or special committees to which may be assigned specific responsibilities and authority, which shall make no recommendations except to the planning commission.

(6) Meetings, Quorum. Four members of the planning commission shall constitute a quorum. All actions of the planning commission shall be determined by a majority vote at a meeting at which a quorum is present, except in the event any state law or county code shall require a vote larger than majority, such provision shall govern.

(7) Powers and Duties - Conduct of Hearings. The powers and duties of the planning commission shall be such as are prescribed by Chapter 36.70 RCW, as amended, and other applicable laws of the state; and the planning commission shall also perform such other duties as are not inconsistent with the laws of the state, at the direction of the Board of Commissioners.

(a) The planning commission shall also conduct such hearings as are required by Chapters 36.70 and 36.70A RCW, and as to all other applicable provisions of the Lewis County Code and laws of the state, and shall make findings of fact and conclusions therefrom which shall be transmitted to the planning section for transmittal to the Board of Commissioners or examiner, with such comments and recommendations as the planning section shall deem necessary.

(b) In formulating its recommendations to the planning section for transmittal to the Board, the planning commission and its advisory committees may be required to conduct public hearings; however, in any event all such meetings of the commission or its advisory committees

shall be conducted in a manner consistent with the Code of Ethics for Municipal Officers, chapter 42.23 RCW, the Open Public Meetings Act, chapter 42.30 RCW, and applicable public participation policies of the County. [Ord. 1186 §1, 2005]

#### **2.11.040 Financing and planning.**

(1) Financial Obligations and Expenditures.

(a) No financial obligation or expenditure shall be incurred by either the Community Development Department or the planning commission, except as are expressly authorized in advance by the Board of Commissioners as by law provided. Appropriations for the operation of both the Department and planning commission shall be separately identified, but office accounting and records shall be kept by planning, as a section of the Department of Community Development.

(b) Planning commission members shall serve without compensation, but shall be eligible for mileage reimbursement, consistent with the requirements and guidelines adopted by and on file with the Board of County Commissioners.

(2) Planning Procedures. The Director of Community Development shall establish such rules and procedures as shall assure thorough and expeditious handling and disposition of such matters as may be of concern to the planning section, within constitutional, statutory and code limitations. The planning commission shall adopt rules and procedures for the transaction of business and shall keep a record of its transactions, consistent with the requirements and guidelines adopted by the Board of County Commissioners, and within constitutional, statutory and code limitations. [Ord. 1186 §1, 2005]



## **Chapter 2.20**

### **DISTRICT COURT DISTRICT**

#### Sections:

- 2.20.010 Established.
- 2.20.020 Name.
- 2.20.030 Number of judges.
- 2.20.040 Central location.
- 2.20.050 Number of commissioners.
- 2.20.060 Clerk.
- 2.20.070 District court judge salary.
- 2.20.080 Additional locations.
- 2.20.090 Statutory authority.

#### **2.20.010 Established.**

There was hereby established, effective as of 8:00 a.m. August 1, 1967, one district court district in Lewis County, Washington, encompassing the entire county. Pursuant to Title 3 RCW, such courts shall be “courts of limited jurisdiction” and all prior references to “justice of the peace” and “justice court” under said establishment shall hereinafter be considered to refer to “district court judge” and “district court”, respectively. [Ord. 1157, 1998; Ord. 1018 § 1, 1967]

#### **2.20.020 Name.**

The name of the district court district shall be district court district of Lewis County, Washington. [Ord. 1157, 1998; Ord. 1018 § 2, 1967]

#### **2.20.030 Number of justices.**

The said district court district shall have two full-time district court judges. [Ord. 1157, 1998; Ord. 1018 Amendment 2 § 1, 1982; Ord. 1018 Amd 1, 1974; Ord. 1018 § 3, 1967]

#### **2.20.040 Central location.**

The location of the central office, courtroom and records of the said district court district shall be the county seat in Chehalis, Washington. [Ord. 1157, 1998;

Ord. 1157, 1998; 1018 Amd 1, 1974; Ord. 1018 § 4, 1967]

#### **2.20.050 Number of commissioners.**

District court shall have no more than two district court commissioners to serve wherever the district court may sit. [Ord. 1157, 1998; Ord. 1018 Amendment 3 § 1, 1993; Ord. 1018 Amd 2 § 2, 1982; Ord. 1018 Amd 1, 1974; Ord. 1018 § 5, 1967]

#### **2.20.060 Clerk.**

(1) There shall be one full-time clerk of the district court district whose office shall be in the quarters assigned to the district court district.

(2) There may be additional full- or part- time clerks as the board of county commissioners of Lewis County shall determine from time to time. The district court clerk shall be appointed through the concurrence of the district court judges of the district court district and shall serve at their pleasure. The district court judges shall assign duties and locations to all such clerks. [Ord. 1157, 1998; Ord. 1018 Amd 1, 1974; Ord. 1018 § 6, 1967]

#### **2.20.070 District court judge salary.**

The annual salary of a district court judge shall be that which is established by statute and the district court budget, and said salary shall be paid in monthly installments as other county elected officials are paid. [Ord. 1157, 1998; Ord. 1018 Amendment 1, 1974; Ord. 1018 § 7, 1967]

#### **2.20.080 Additional locations.**

Effective July 1, 1993, district court, at the discretion of the board of county commissioners, may sit at Toledo, Packwood, and PeEll in addition to Chehalis and Morton. The district court shall sit at Morton, Lewis County, Washington, not less than one day per month, and may sit more often as the need arises. The district court shall be open for transaction of all

business to come before it on all days except nonjudicial days. The court shall not be required to be open on Saturdays except that the court may be open on Saturdays in such instances as the court may desire. [Ord. 1157, 1998; Ord. 1018 Amendment 3 § 2, 1993; Ord. 1018 Amd 1, 1974; Ord. 1018 § 8, 1967]

#### **2.20.090 Statutory authority.**

By this chapter the board of county commissioners does hereby make effective in Lewis County, Washington, a district court district as provided by Title 3 RCW, and any implementation or interpretation required shall be governed by those statutes. [Ord. 1157, 1998; Ord. 1018 § 10, 1967]

## **Chapter 2.25**

### **HEARING EXAMINER**

#### **Sections:**

- 2.25.010 Definitions.
- 2.25.020 Appointment.
- 2.25.030 Qualifications.
- 2.25.040 Term.
- 2.25.050 Report to the board and board of health.
- 2.25.060 Removal.
- 2.25.070 Standards of conduct–Conflicts.
- 2.25.080 Powers.
- 2.25.090 Duties.
- 2.25.100 Master, project permit applications.
- 2.25.110 Administrative SEPA appeals.
- 2.25.120 Procedures for substantive hearings.
- 2.25.130 Appeals with the examiner.
- 2.25.140 Appeals from the examiner.

#### **2.25.010 Definitions.**

As used in this chapter, unless the context or subject matter clearly requires otherwise, words shall be given the meaning attributed to them by this section. The term “shall” is always mandatory and the word “may” indicates a use of discretion in making a decision. Words not specifically defined herein shall be defined by the most recent edition of the American Heritage Dictionary of the office of the Lewis County board of commissioners.

(1) “Board” means the Lewis County board of commissioners.

(2) “Board of Health” means the Lewis County board of health.

(3) “Closed record appeal” means an administrative appeal on the record, following an open record evidentiary hearing on a matter, with the appeal being on the record with no or limited new evidence or information allowed to be

submitted and only appeal argument being allowed.

(3) “County” means Lewis County, Washington.

(4) “Department” means the Lewis County departments of public works, community development or health & social services.

(5) “Examiner” shall mean the hearing examiner for the county of Lewis or a deputy thereof.

(6) “Land use decision” shall include matters involving application for a master project permit or other county approval required by law before real property may be improved, developed, modified, sold, transferred, or used, but excluding applications for permits or approvals to use, vacate, or transfer streets, parks, and similar types of public property; excluding applications for legislative approvals such as area-wide rezones and annexations, excluding ministerial issuance of permits, approvals and exemptions and excluding applications for business licenses; an interpretative or declaratory decision regarding the application to a specific property of zoning or other ordinances or rules regulating the improvement, development, modification, maintenance, or use of real property; and the enforcement of regarding the application to a specific property of zoning or other code sections, ordinances or rules regulating the code sections and ordinances regulating the improvement, development, modification, maintenance, or use of real property.

(7) “Master project application”, for purposes of this chapter, shall include any land use or environmental permit or license required from the county for a project action, including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area code

sections, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations, except as specified by statute.

(8) “Open record hearing” means a hearing, conducted by the examiner, that creates the official administrative record through testimony and submission of evidence and information, under procedures prescribed by the Examiner and this chapter. An open record hearing may be held prior to a decision on a project permit, to be known as an “open record predecision hearing.” An open record hearing may be held on an appeal, to be known as an “open record appeal hearing”, if no open record hearing nor predecision hearing has been held.

(9) “Party of record” shall mean for each application or appeal: (a) the applicant/appellant; (b) all persons who testified at the public hearing; (c) all persons who individually submitted written comments concerning the specific matter to the responsible county department or hearing body prior to the close of the hearing (excluding persons who have only signed petitions and opinion letters, or mechanically produced form letters); and (d) all persons who specifically request notice of a decision by personally entering their name and mailing address on a register provided for such purpose at the public hearing; provided, that a person who becomes a party of record shall remain such through subsequent county proceedings involving the same application or appeal, except that the county may cease mailing notice and other materials to any party of record whose mail is returned by the postal service as undeliverable or no longer subject to automatic forwarding.

(10) “Project permit” or “project permit application” means any land use or environmental permit or license required from the county for a project action,

including but not limited to building permits, subdivisions, binding site plans, planned unit developments, conditional uses, shoreline substantial development permits, site plan review, permits or approvals required by critical area and resource lands ordinances, site-specific rezones authorized by a comprehensive plan or subarea plan, but excluding the adoption or amendment of a comprehensive plan, subarea plan, or development regulations, except as otherwise specified within this code. [Ord. 1157 & 1160, 1998; Ord. 1147 § 1.00, 1995; H96-0304 § 1.01, 1996]

#### **2.25.020 Appointment.**

The board shall appoint the Lewis County hearing examiner after solicitation and consideration of recommendations from elected officials of Lewis County, the Lewis County planning commission and the prosecutor, and consideration of such other recommendations as the board may deem useful and necessary. The board may also appoint deputy hearing examiners as in the public interest after consideration of recommendations from the hearing examiner.

(1) The board, without solicitation and consideration of the above noted recommendations, may temporarily appoint an examiner pro tem to serve in the event of absence or inability to act of the examiner and deputy examiners. Such appointment shall be in writing and adopted by the board.

(2) Each deputy examiner shall have the same power in all respects as their principal. Such appointment shall be in writing and adopted by the board.

(3) The board, or the examiner upon approval of the board, may appoint one or more special deputy examiners upon a contract or fee basis whose authority shall be limited to the term and purposes stated in the writing signed by the board.

(a) For all proceedings subject to Ch. 17.15 LCC, involving lands within the urban

growth boundary (UGA) of any municipality and subject to an interlocal agreement empowering the respective municipality with land use decision making and regulatory authority within its UGA, a special deputy examiner(s) shall be appointed, as herein provided for, to hear all matters associated therewith. [Ord. 1147A §1, 2003; Ord. 1157, 1998; Ord. 1147 § 2.01.01, 1995; H96-0304 § 2.01.01, 1996]

#### **2.25.030 Qualifications.**

The hearing examiner shall be appointed with regard to the appointee's qualifications for the duties of the office, and shall have prior training and experience in the field of administrative and quasi-judicial hearings, regulatory enactments, and statutory interpretation and application. [Ord. 1157 & 1160, 1998; Ord. 1147 § 2.01.02, 1995; H96-0304 § 2.01.01, 1996]

#### **2.25.040 Term.**

In all appointments of examiner, examiner pro tem, deputy and special deputy examiners, the terms shall initially be for not more than one year and as set by the board, with appointment terms thereafter for the examiner of three years, subject to review and approval by the board prior to the date of each reappointment. [Ord. 1157, 1998; Ord. 1147 § 2.01.03, 1995; H96-0304 § 2.01.01, 1996]

#### **2.25.050 Report to the board and board of health.**

The examiner shall annually report in writing to the board for the purpose of reviewing the administration of county planning, building and other regulating code sections, ordinances and policies, and shall report in writing to the board of health, upon request, for the purpose of reviewing the administration of health, safety and regulating health ordinances and policies. The examiner and shall meet with the board and county department heads at the request

of the board, and with the involving matters of the office, and shall meet with the board of health and county health officials at the request of the board of health, involving matters of the office. The written report shall include a summary of examiner decisions during the preceding annual period, including the nature of the decisions and their particulars. [Ord. 1157 & 1160, 1998; 1147 § 2.01.04, 1995; H96-0304 § 2.01.02, 1996]

#### **2.25.060 Removal.**

An examiner may be removed from office for cause by majority vote of the board.

(1) An examiner pro tem shall answer to the board and, unless otherwise agreed to between the board and appointee, the board may revoke the appointment of the examiner pro tem at will.

(2) The hearing examiner shall be responsible for the acts of deputy and special deputy examiners and, upon prior notice to the board and unless otherwise agreed to between the board and appointee, may revoke such appointments at will. [Ord. 1157, 1998; Ord. 1147 § 2.02, 1995; H96-0304 § 2.01.02, 1996]

#### **2.25.070 Standards of conduct–Conflicts.**

(1) No person, including county officials, elective or appointive, shall attempt to influence the examiner or deputy examiner in any matter there before pending, except at a public hearing duly called for such purpose, nor shall interfere with such examiner in the performance of his or her duties in any other way; except that an official or employee of the county may, in the performance of official duties, provide information to an examiner when such action is thereafter disclosed prior to the use of such information at public hearings or meetings; provided, that this section does not prohibit the prosecuting attorney from rendering legal services to an

examiner, when such services are not otherwise prohibited at law or by conflict.

(2) No examiner shall conduct or participate in any hearing or decision in which the examiner shall have a direct or indirect financial or personal interest, or has had significant prehearing contacts with proponents or opponents, or in which such conduct or participation shall violate any applicable rule of law. [Ord. 1157, 1998; Ord. 1147 § 2.03, 1995]

#### **2.25.080 Powers.**

(1) The hearing examiner shall have the authority to:

(a) Receive and examine available information;

(b) Conduct public hearings and prepare a record thereof;

(c) Administer oaths and affirmations;

(d) Examine witnesses; provided, that no person shall be compelled to divulge information which he or she could not be compelled to divulge in a court of law in civil litigation matters;

(e) Regulate the course of the hearing;

(f) Make and enter decisions;

(g) Hold conferences for settlement and prehearing matters;

(h) Dispose of procedural requests and similar hearing and prehearing matters;

(i) Issue summary orders as provided for under LCC 2.25.120 through 2.25.140; and

(j) Take such other action authorized or necessary to carry out this chapter.

(2) The above powers may be exercised on all matters for which jurisdiction is assigned either by county code sections, ordinance or, where appropriate, by other legal action of the county or its elected officials. [Ord. 1157, 1998; Ord. 1147 § 3.01, 1995; H96-0304 § 3.01, 1996]

### **2.25.090 Duties.**

The examiner shall hear, make a record of, and decide matters provided in this chapter or other county code sections and ordinances.

(1) These duties for board matters include, but are not limited to, adjudication or review of all land use decisions, and the following specific matters:

(a) Matters prescribed by short subdivision/short plat and subdivision code sections;

(b) Review of preliminary plats and modifications thereto, to serve as recommendations to the board of county commissioners;

(c) Preliminary plat extension requests pursuant to RCW 58.17.140 and county code section, which shall constitute final decisions subject to the appeal provisions;

(d) Plat vacations or amendments pursuant to Chapter 58.17 RCW, which shall constitute final decisions subject to the appeal provisions;

(e) Hearings under Chapter 43.21C RCW, State Environmental Protection Act (SEPA) and code sections thereto; and

(f) Hearings of Chapter 17.20 LCC, Shoreline Management.

(g) For all proceedings subject to Ch. 17.15 LCC, involving lands within the urban growth boundary (UGA) of any municipality and subject to an interlocal agreement empowering the respective municipality with land use decision making and regulatory authority within its UGA, a special deputy examiner(s) shall hear all matters associated therewith.

(2) These duties for board of health matters include, but are not limited to, adjudication or review of all health ordinances of the board of health, and the following specific matters:

(a) Conduct adjudicative proceedings and appeals on matters prescribed by solid waste rules and regulations;

(b) Conduct adjudicative proceedings and appeals on matters prescribed by sewage system rules and regulations, consistent with Chs. 43.70 & 34.05 RCW, and Ch. 246-10 WAC, as amended;

(c) Conduct food services sanitation appeals under H94-0304(6)(D) and WAC 246-215-220, as amended; and

(d) Any such other quasi-judicial or appellate jurisdiction hereinafter created by adoption, application or amendment of said state and board of health regulations;

(3) Except as otherwise provided, an examiner's decision shall be final and conclusive, and may be reviewable as specified within this chapter, or within any other county code section, or statute or regulation to such other administrative appellate board or court of competent jurisdiction, as shall thereto be applicable.

(4) In computing any period of time prescribed hereunder, the day of the action from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or a county legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or county legal holiday. [Ord. 1147A §2, 2003; Ord. 1157 & 1160, 1998; 1147 §3.02, -.03, 1995; H96-0304 §3.02, 1996]

### **2.25.100 Master, project permit applications.**

Any persons proposing an action or project which requires more than one of the permits, at both state and local levels, approvals or reviews listed in LCC 2.25.090 may submit a master, project permit application to the department on forms furnished by the department containing all necessary information for all project permits. The master application shall thereafter be processed by the examiner, in conjunction with the department and other

appropriate county and state departments, and subject to the longest time limitations applicable to any of the required permits, approvals or review thereunder. If any of the required approvals constitute a recommendation to the board, the decision of the examiner as to all such permits, approvals and reviews shall constitute a recommendation to the board; otherwise, the decision of the examiner shall be final and subject to appeal under this chapter. [Ord. 1157 & 1160, 1998; Ord. 1147 § 3.03, 1995]

#### **2.25.110 Administrative SEPA appeals.**

Administrative SEPA appeals involving procedural issues (e.g., the adequacy of a determination of significance/nonsignificance or of a final environmental impact statement) or substantive determinations under SEPA shall be consolidated with any appeal before the examiner on the underlying governmental action. [Ord. 1157, 1998; Ord. 1147 § 3.04, 1995]

#### **2.25.120 Procedures for substantive hearings.**

The examiner shall implement procedural rules for the conduct of hearings of substantive matters and other procedural matters related to the duties of the office in accordance with state law and county code section.

(1) Where a public hearing is required by statute, code section or ordinance, the examiner shall hold at least one open record public hearing prior to any rendering of a decision on such matter. All testimony at any such hearing shall be taken under oath. Notice of the time and place of the open record public hearing shall be given as required by statute and county code section. At the commencement of the hearing, the examiner shall give oral notice of the opportunity to become a party of record.

(2) Each person participating at a public hearing with an examiner shall have the following rights, among others:

(a) To call, examine and cross-examine witnesses (subject to content and time limitations set by the examiner in accordance with the examiner's rules of procedure) on any matter relevant to the issues of the hearing;

(b) To introduce documentary and physical evidence on any matter relevant to the issues of the hearing;

(c) To rebut evidence against him/herself; and

(d) To represent him/herself or to be represented by a lawyer licensed in Washington at his/her own expense.

(3) Where no specific provision for a report of the department or other county departments is contained within the statute, code section or ordinance governing such hearings, the department and other county departments may coordinate and assemble the reviews of other county/city departments, other state or local governmental agencies and franchised public utilities having an interest in the subject matter and prepare a report summarizing the matter involved and the department's or departments' findings and recommendations. At least seven calendar days prior to the scheduled hearing date, such report shall be filed with the examiner and copies thereof made available for public inspection and purchase.

(4) (a) Within 10 calendar days of the conclusion of the hearing, unless a longer period is reasonably required, the examiner shall render a written decision which shall include findings of fact and conclusions based on the record. Except as stated under LCC 2.25.090 and 2.25.100 as to recommendation matters, or under statute or other county code section, the decision of the examiner shall be final and conclusive on the fifteenth day after the date of execution of the decision unless a petition

for review is filed pursuant to LCC 2.25.130. Appeals of the hearing examiner's decision shall be made by closed record appeal to an examiner, or, as an open record appeal when required below in LCC 2.25.130. The examiner's decision together with his findings, conclusions, and the record and exhibits of the proceedings shall be filed with the department or in the alternative with the appropriate department or official. If the effect of the decision is a recommendation to the board, the original thereof shall be transmitted to the legislative body.

(b) The decision of the examiner may grant, grant in part, return to the applicant for modification, deny without prejudice, deny or grant with conditions, modifications and restrictions as the examiner finds necessary to make the application compatible with statutory, and county and board of health policies, objectives, comprehensive planning and regulations.

(5) Unless different procedures are prescribed by statute or county code section, the department, or in the alternative the appropriate department or official, shall mail copies of the examiner's decision to the applicant by certified mail and to all other parties of record by regular mail on the date of issuance of the decision by the examiner.

(6) (a) Any party of record or department or official of the county may file a written petition for reconsideration with the examiner within 10 calendar days following the date of entry of the examiner's decision. Timely filing of a petition for reconsideration shall stay the effective date of the examiner's decision until such time as the petition has been disposed of by the examiner. The grounds for seeking reconsideration shall be limited to the following:

(i) The examiner exceeded his jurisdiction;

(ii) The examiner failed to follow the applicable procedure in reaching a decision;

(iii) The examiner committed an error of law or misinterpreted the applicable statute, county code section, ordinance or resolution, law or regulation;

(iv) The examiner's findings, conclusions or conditions are not supported by the record;

(v) Newly discovered evidence alleged as material to the examiner's decision which could not reasonably have been produced at the hearing; and

(vi) Changes to the application proposed by the applicant in response to deficiencies identified at hearing.

(b) The petition for reconsideration shall contain: specific identification of the hearing and parties involved in the order, permit, decision, determination or other action being petitioned for reconsideration (including the county's file and application number where applicable); the specific findings, conclusions, actions and conditions upon which the petitioner relies for reconsideration, including a concise statement of the factual reason for reconsideration and, as applicable, the identity and specific nature of the newly discovered evidence and its importance in the reconsideration proposed by the petitioner (in the case of reconsideration involving SEPA, shorelines and floodway hazard permits, a specific listing must be made of the sections and elements addressed by the decision); the full name, mailing address, daytime telephone number of each petitioner, together with the signature of at least one of the petitioners, or the attorney for the petitioner(s), if any. The party(s) filing a petition for reconsideration shall certify the service a true copy of the same upon the department, the applicant and all parties of record by regular mail in conjunction with said filing.



(c) The petition will have been deemed denied if one of the following actions has not been taken within 10 calendar days following receipt of the petition. The examiner may by written order:

- (i) Deny the petition;
- (ii) Grant the petition and issue an amended decision, as provided for above;
- (iii) Grant the petition and give all parties of record notice of the petition and an opportunity to submit written testimony or argument within 10 calendar days;
- (iv) Grant the petition and set the matter for further hearing to occur within 10 calendar days or as soon thereafter as practicable, to consider new testimony, proposed changes in the applications or to hear oral argument of the parties. Notice of such public hearing shall be mailed by regular mail to all parties of record on the same date as issuance of the examiner decision to grant the reconsideration hearing. A decision on reconsideration following such hearing shall be mailed to the applicant by certified mail, and to all other parties of record by regular mail not later than three working days following the hearing. Only the original decision of the examiner may be subject to reconsideration, and the examiner may consolidate for action, in part or in whole, multiple petitions for reconsideration of that original decision. [Ord. 1174, §7, 2000; Ord. 1157 & 1160, 1998; 1147 § 4.01, 1995; H96-0304 § 4.01, 1996]

#### **2.25.130 Appeals with the examiner.**

Administrative appeals over which the examiner has jurisdiction, unless otherwise specifically provided for by county code section, shall be subject to the following procedural requirements:

(1) (a) Appeals shall be addressed to the hearing examiner, but shall be filed in writing with the Director of the Department for board decisions and with the Co-

Administrator to the Board of Health for board of health decisions at 350 N. Market Blvd., Chehalis, WA 98532, within 10 calendar days of the date of the action, and shall be accompanied by a filing fee in the amount of \$100.00; provided that a land use decision appeal and a board of health appeal may be consolidated by an examiner, on its own motion or motion of a party, on any appeal involving the same subject property or matter, or case or controversy, with such appeal singularly being heard before the examiner; and further provided that the filing fee shall not be charged to any department or official of the county nor to other than the first-in-time petitioner; and in the event that an appeal or said party to an appeal is dismissed for procedural defect prior to submission of the matter to the examiner, such as but not limited to untimely filing, lack of standing or other facial defect, such filing fee shall be refunded and the next-in-time filing party, where applicable, shall be assessed the filing fee. The failure of the appropriate next-in-time party to pay the filing fee within 10 calendar days of notice, as below-stated, shall result in waiver of appellate rights by that party, also as below-stated, and each nonpaying, next-in-time party in succession thereafter from the appeal.

(b) A petitioner may request a waiver of the filing fee at the time of filing of the appeal, as based upon economic hardship. The permittee must provide sufficient written evidence to support a claim of economic hardship in conjunction with such request for a fee waiver. The factors with the examiner may consider as to whether a petitioner faces economic hardship include, but are not limited to, financial or personal distress of the permittee. A written decision granting or denying fee waiver shall be mailed by the examiner to petitioner (and in conjunction with the mailing of any notice of correction or completion, noted below). The examiner

may allow not more than 10 calendar days after mailing of the decision denying fee waiver in which to receive the filing fee to perfect the appeal. The decision of the examiner is final for purposes of such determinations.

(2) (a) A written petition for appeal must contain the items set forth in this section in order to be complete and perfected, and the party appealing the decision designated as "petitioner". The examiner shall immediately examine the petition for completeness and shall immediately notify the petitioner by mail of defects in the petition requiring correction or completion. The examiner may allow not more than 10 calendar days after mailing of notification of defect in which to receive a perfected appeal for filing. A petition for appeal shall contain all of the following:

(i) Specific identification of the order, permit, decision, determination or other action being appealed (including the county's file or application number where applicable). A complete copy of the document or written decision being appealed must be filed with the appeal;

(ii) Specific identification of the county code provision which authorizes the appeal;

(iii) The specific grounds upon which the petitioner relies, including a concise statement of the factual reason for the appeal and, if known, identification of the policies, statutes, codes, or regulations that the petitioner claims are violated. In the case of appeals involving SEPA, shorelines and floodway hazard permits, a specific listing of the sections and elements alleged to be inadequately or inappropriately addressed and the reasons therefor shall be included;

(iv) The full name, mailing address, daytime telephone number of each petitioner, together with the signature of at least one of the petitioners, or the attorney for the petitioner(s), if any;

(v) The name, mailing address, daytime phone and signature of the petitioner's attorney, if any; and

(vi) The required filing fee.

(b) The costs of transcribing the records of proceedings, of copying photographs, videotapes and any oversized documents, and of staff time associated with copying and assembling the record and preparing any records shall be borne by the petitioner (or equally by the petitioners, if more than one) for the review, with such monies being paid in advance of such transfer to the examiner.

(3) Timely filing of an appeal shall stay the effect of the order, permit, decision, determination or other action being appealed until the appeal is finally disposed of by the examiner or withdrawn; provided, that filing of an appeal from the denial of a permit shall not stay such denial. Failure to file a timely and complete appeal shall constitute waiver of all rights to an administrative appeal under county jurisdiction.

(4) No new appeal issues may be raised or submitted after the close of the time for filing of the original appeal, excepting the raising of errors affecting a constitutional right by parties to an appeal through amendment of their petition for appeal, and the appeal shall be by closed record appeal; except, an open record appeal is permitted when there has not been a previous open record hearing. New evidence and testimony may be given and received in an open record appeal only on issues and errors identified by petitioner on the appeal, except as otherwise provided for under the examiner's rules of procedure. Open record appeals shall be conducted in accordance with the examiner's rules of procedure for substantive hearings, where applicable, and shall serve to provide argument and guidance for the examiner's decision. Open record appeals shall otherwise be conducted as provided for closed record appeals.

(5) The department shall forward the petition(s) for appeal to the examiner's office within three working days of its filing.

(6) The examiner's office, within three working days of receipt of the appeal, shall send written notice of the filing of the appeal to the department or official whose decision has been appealed, which such department thereafter referred to as the "respondent". The respondent, within three working days of receiving notification from the examiner's office, shall transmit to the examiner all relevant and nonprivileged public files on the order, permit, decision, determination or other action being appealed.

(7) The examiner's office, within three working days after receipt of the file from respondent, shall send written notice of the filing of a perfected appeal by certified mail, return receipt requested, to the person named in the order or to the person who initially sought the permit, decision, determination or other action being appealed, whenever the appeal is filed by other than such person, and to all parties of record by regular mail.

(8) The examiner may summarily dismiss an appeal in whole or in part without hearing if the examiner determines that the appeal is untimely, incomplete (having complied with subsection (2) of this section), without merit on its face, frivolous, beyond the scope of examiner jurisdiction or brought merely for the purpose of delay. The examiner may also summarily dismiss an appeal where it is found in response to a written challenge raised by the respondent or permit, etc., applicant and after allowing the petitioner five calendar days in which to reply to the challenge that the petitioner lacks legal standing to appeal or failed to perfect appeal. Except in extraordinary circumstances, summary dismissals shall be decided, with or without oral argument at the discretion of the examiner, within five

calendar days of receipt of such reply or the expiration of such time for reply, whichever is the later.

(9) Appeals shall be processed by the examiner as expeditiously as practicable, giving proper consideration to the procedural due process rights of the parties.

(a) Where practicable, no more than 29 calendar days should elapse from the date of the perfection of an appeal and the date of a closed record hearing on the appeal, and no more than 39 calendar days should elapse from the date of perfection of the appeal to the issuance of an examiner decision on the appeal.

(b) Where practicable, appeal hearings on board of health matters under LCC 2.25.090(a) &(b), should be set not less than (20) days, nor more than thirty (30) days following perfection of an appeal.

(c) The parties to an appeal may agree, or the applicant/permittee and the county may mutually agree upon specific extensions of the date of the appeal hearing and decision. The examiner may consolidate multiple appeals of the same action for hearing and decision making purposes to facilitate expeditious and thorough consideration of the appeal, without adversely affecting the due process rights of such parties. In event of a conflict between time deadlines with consolidated appeals, the time deadlines for the last filed appeal shall control all deadlines.

(10) Notice for appeal hearings shall require that the petitioner, the person named in the order or the person who initially sought the permit, decision, determination or other action being appealed, whenever the appeal is filed by other than such person, and all parties of record, the respondent, and all persons otherwise entitled notice by specific statute or county code section, shall be given at least seven calendar days' written notice of the date upon which the matter will be considered at public hearing. Mailing of notice shall be the responsibility

of the department, or the department/official responsible for the permit, decision or other action being appealed.

(a) Notices required under this subsection shall be deemed adequate where a good-faith effort has been made by respondent to identity and mail notice to each person entitled thereto.

(b) Notices mailed pursuant to this chapter shall be deemed received by those persons named in an affidavit of mailing executed by the person designated by the examiner, the department, or department or official to mail the notices. The failure of any person to actually receive the notice shall not invalidate any action.

(11) The appeal hearing and the examiner consideration of the appeal shall be limited solely to the issues and errors identified by the petitioner in advance of hearing, and based solely on the record of proceedings, below, or upon such additional evidence as may be provided in an open record appeal, pursuant to the above subsections.

(12) (a) The examiner shall render a written decision which shall include findings of fact and conclusions based only on the record on appeal. Except as stated under LCC 2.25.090 and 2.25.100 as to recommendation matters, or under statute or other county code section, the decision of the examiner shall be final and conclusive on the fifteenth day after the date of execution of the decision, unless a notice of appeal to the superior court is filed pursuant to LCC 2.25.140. The examiner's decision together with his findings, conclusions, and the record and exhibits of the proceedings shall be filed with the department or, in the alternative, with the appropriate department or official. If the effect of the decision is a recommendation to the board, the original thereof shall be transmitted to the legislative body.

(b) The examiner may issue a decision on an appeal which may, in

conformity with applicable statutes and county code sections, reverse or affirm, in whole or in part, or modify the order, permit, decision, determination or other action appealed from; the examiner thereby having full authority to exercise the authority of the department or official from whom the appeal is taken on that particular issue.

(13) Unless different procedures are prescribed by statute or county code section, the department or, in the alternative, the appropriate department or official shall mail copies of the examiner's decision to the petitioner, the person named in the order or to the person who initially sought the permit, decision, determination or other action being appealed, whenever the appeal is filed by other than such person, and all parties of record, the respondent, and all persons otherwise entitled notice by specific statute or county code section by regular mail not later than three working days following the entry of the decision by the examiner.

(14) No individual examiner shall adjudicate at both an examiner open record hearing on any matter and an open or closed record appeal on such matter through the office of the examiner.

(a) For all proceedings subject to Ch. 17.15 LCC, involving lands within the urban growth boundary (UGA) of any municipality and subject to an interlocal agreement empowering the respective municipality with land use decision making and regulatory authority within its UGA, a special deputy examiner(s) shall adjudicate at the initial examiner hearing on any matter, whether as an open record hearing or as an appeal. [Ord. 1147A §3, 2003; Ord. 1174 §8, 2000; Ord. 1157 & 1160, 1998; Ord. 1147 §4.02, 1995; H96-0304 §4.02, 1996]

#### **2.25.140 Appeals from the examiner.**

(1) Except as to those decisions which constitute recommendations under LCC 2.25.090 and 2.25.100, and as otherwise specified by statute or other county code section, a final decision from an appeal to the examiner may be appealed, as may be applicable and as provided for at law, to the superior court of Lewis County, Washington by one or more of the following means: (a) a land use petition pursuant to the Land Use Petition Act under Chapter 36.70C RCW for “land use decisions” as therein defined; or by (b) a writ of certiorari pursuant to the provisions of Chapter 7.16 RCW, except as limited by the standing requirements and review standards under RCW 58.17.180, and by Chapters 43.21C RCW and 197-11 WAC; or pursuant to RCW 34.05.510, et seq. of the administrative procedures act.

(2) For purposes of writ of certiorari review, the following shall apply:

(a) parties shall first exhaust all available administrative remedies under this chapter, including reconsideration; and

(b) such review is commenced by the filing with said court, within 15 calendar days after issuance of such decision, a writ of review which briefly states the decision appealed and describing why error is assigned to that decision, in accordance with Chapter 7.16 RCW;

(3) For purposes of writ of certiorari and appeals under the administrative procedures act, the costs of transcribing the records of proceedings, of copying photographs, video tapes and any oversized documents, and of staff time associated with copying and assembling the record and preparing the return for filing with the court shall be borne by the applicant (or equally by the applicants, if more than one) for the writ, with such monies being paid in advance of such filing with the court. [Ord. 1157 & 1160, 1998; Ord. 1147 § 4.03, 1995; H96-0304 § 4.03, 1996]

#### **Chapter 2.30**

#### **EAST LEWIS COUNTY PUBLIC DEVELOPMENT AUTHORITY**

##### **Sections:**

2.30.010	Created - County liability limited.
2.30.020	Name.
2.30.030	Definitions.
2.30.040	Powers - Generally.
2.30.050	Charter.
2.30.060	Effect of issuance of charter.
2.30.070	Board of directors.
2.30.080	Organizational meeting.
2.30.090	Quorum.
2.30.100	Dissolution.
2.30.110	Construction.

##### **2.30.010 Created - County liability limited.**

(1) As authorized under RCW 35.21.730 through 35.21.755, a public authority is hereby created, with powers and limitations as set forth in its charter and this chapter, to undertake, assist with and otherwise facilitate, promote, or provide for small business and light industrial development, and to perform any other function specified in this chapter and the charter of the authority.

(2) County Liability Limited. The authority is an independent legal entity exclusively responsible for its own debts, obligations and liabilities. All liabilities incurred by the authority shall be satisfied exclusively from the assets and credit of the authority; no creditor or other person shall have any recourse to the assets, credit, or services of the county on account of any debts, obligations, liabilities, acts or omissions of the authority. [Ord. 1157, 1998; Ord. 1149 § 1, 1996]

##### **2.30.020 Name.**

The name of the public authority shall be the East Lewis County Public Development

Authority. [[Ord. 1157, 1998; Ord. 1149 § 2, 1996]

### **2.30.030 Definitions.**

As used herein, the term:

(1) “Board of directors” or “board” means the governing body vested with the management of the affairs of the public authority.

(2) “Bylaws” means the rules adopted for the regulation or management of the affairs of the public authority and all subsequent amendments thereto.

(3) “Charter” means the articles of organization of the public authority adopted by this chapter and all subsequent amendments thereto.

(4) “Clerk” means the clerk of Lewis County or a person authorized to act on his or her behalf; and in the event of reorganization of the office of clerk, the successor official performing such duties or a person authorized to act on his or her behalf.

(5) “Commissioners” means the board of commissioners of Lewis County.

(6) “County” means Lewis County.

(7) “Director” means a member of the board.

(8) “Public authority” or “authority” means the authority created under this chapter.

(9) “Resolution” means an action of the board with the quorum required in Article VI, Section 6.04 of the charter.

(10) “State” (when used as a noun) means the state of Washington. [Ord. 1157, 1998; Ord. 1149 § 3, 1996]

### **2.30.040 Powers - Generally.**

Except as limited by the state Constitution, state statute, this chapter, or the charter of the public authority, the public authority shall have and may exercise all lawful powers necessary or convenient to effect the purpose for which the public authority is organized and to perform

authorized corporate functions, as provided in its charter. [Ord. 1157, 1998; Ord. 1149 § 4, 1996]

### **2.30.050 Charter.**

The charter of the authority, Exhibit A to the ordinance codified in this chapter, is hereby approved. The charter shall be issued in duplicate originals, each bearing the county seal attested by the county clerk. One original shall be filed with the county clerk; a duplicate original shall be provided to the authority. The charter shall be amended only by county ordinance adopted by a majority of the board of commissioners at or after a public hearing held with notice to the public authority and authority directors and affording them a reasonable opportunity to be heard and present testimony. [Ord. 1157, 1998; Ord. 1149 § 5, 1996]

### **2.30.060 Effect of issuance of charter.**

The public authority shall commence its existence upon issuance of its charter. Except as against the state or the county in a procedure to cancel or revoke the charter, delivery of a duplicate original charter shall conclusively establish that the public authority has been established in compliance with the procedures of this chapter. [Ord. 1157, 1998; Ord. 1149 § 6, 1996]

### **2.30.070 Board of directors.**

A board of directors (“the board of directors”) is hereby established to govern the affairs of the public authority. The initial board shall be composed of five members. The board may be increased to nine members by board resolution as provided in the charter. The board may nominate replacement members to the board but the county retains the power of confirmation. The directors shall be appointed and serve their terms as provided in the charter. All corporate powers of the public authority shall be exercised by or under the authority of the board of directors, and the business,

property and affairs of the authority shall be managed under the supervision of the board of directors, except as may be provided by law or in the charter. [Ord. 1157, 1998; Ord. 1149 § 7, 1996]

**2.30.080 Organizational meeting.**

Within 10 days after issuance of the charter, the county commissioners or their designee shall call an organizational meeting of the initial board of directors, giving at least three days advance written notice to each, unless waived in writing. At such meeting, the board shall organize itself, may appoint officers, and select the place of business. [Ord. 1157, 1998; Ord. 1149 § 8, 1996]

**2.30.090 Quorum.**

At all meetings of the board of directors, a majority of the board of directors then in office shall constitute a quorum. [Ord. 1157, 1998; Ord. 1149 § 9, 1996]

**2.30.100 Dissolution.**

(1) If the board of county commissioners make an affirmative finding that dissolution is warranted for any reason, the existence of the public authority may be terminated by ordinance adopted by a majority of the county commissioners at or after a public hearing, held with notice to the public authority and authority directors and affording them a reasonable opportunity to be heard and present testimony. Dissolution shall be accomplished as provided in the charter, and shall not take effect until proper provision has been made for disposition of all authority assets.

(2) Upon satisfactory completion of dissolution proceedings, the county clerk shall indicate such dissolution by inscription of "charter canceled" on the original charter of the public authority, on file with the county and, when available, on the duplicate original of the public authority, and the existence of the public authority shall cease.

The county clerk shall give notice thereof pursuant to state law and to other persons requested by the public authority in its dissolution statement.

(3) Upon dissolution of the authority or the winding up of its affairs, title to all remaining assets or property of the authority shall vest in the county unless the county commissioners or trustee or court has provided for the transfer of any authority rights, assets or property to a qualified entity or entities which will fulfill the purposes for which the authority was chartered. [Ord. 1157, 1998; Ord. 1149 § 10, 1996]

**2.30.110 Construction.**

The charter shall be liberally construed so as to effectuate its purposes and the purposes of RCW 35.21.730 to 35.21.755. [Ord. 1157, 1998; Ord. 1149 § 11, 1996]

## **Chapter 2.35**

### **JAIL STANDARDS**

Sections:

2.35.010 Minimum standards adopted  
by reference.

#### **2.35.010 Minimum standards adopted by reference.\***

Reserved. [Ord. 1157, 1998]

\*[Standards for the Lewis County jail have been separately drafted. Minimum, mandatory standards contained in Title 289 WAC and Ch. 70.48 RCW are hereby adopted by reference. Copies of the Lewis County jail standards shall be kept on file and shall be made available to interested parties at the Lewis County Sheriff's Office.]